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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EMILIO ESTEVEZ,

Plaintiff,

v.

SAMANTHA POWER, Administrator of
the United States Agency for International
Development, LEILA EL GOHARY,
Executive Secretary, Office of the
Administrator United States Agency for
International Development, JASON M.
FRIERSON, United States Attorney for the
District of Nevada, MERRICK
GARLAND, United States Attorney
General, United States Department of
Justice, UNITED STATES
DEPARTMENT OF STATE, FOREIGN
SERVICE GRIEVANCE BOARD, Attn.
Katherine Kaetzer-Hodson, Executive
Secretary,

Defendant(s).

Case No. 2:23-cv-00846-RFB-VCF

**Joint Stipulation to Stay Discovery and
Reschedule Early Neutral Evaluation**

IT IS HEREBY STIPULATED between Plaintiff Emilio Estevez and Defendants
Samantha Power, Administrator of the United States Agency for International
Development, Leila El Gohary, Executive Secretary, Office of the Administrator United
States Agency for International Development, Jason M. Frierson, United States Attorney
for the District of Nevada, Merrick Garland, United States Attorney General, United

1 States Department of Justice, United States Department of State, Foreign Service
2 Grievance Board, Attn. Katherine Kaetzer-Hodson, Executive Secretary (collectively
3 “Federal Defendants”), by and through their respective counsel, as follows:

4 1. On December 19, 2023, counsel for the parties participated in a meet and confer
5 regarding stay of the discovery in this case and rescheduling of the Early Neutral Evaluation
6 (“ENE”), set by the Court on February 15, 2024.

7 2. During their meet and confer counsel agreed to stay discovery and reschedule the
8 Early Neutral Evaluation pending the Court’s ruling on Federal Defendants’ Motion to
9 Dismiss Plaintiff’s First Amended Complaint (ECF No. 21). Plaintiff will file his Response
10 to the Motion to Dismiss by January 11, 2024.

11 3. On December 7, 2023, Magistrate Judge Elayna Youchah issued an order setting this
12 matter for an Early Neutral Evaluation session on February 15, 2024. (ECF No. 20). The
13 parties’ request is filed at least ten days in advance of the ENE session. The parties seek to
14 reschedule the ENE session until after the Court issues a ruling on the motion to dismiss, as
15 the parties believe that the ENE session will not be meaningful or productive. Furthermore,
16 counsel for Federal Defendants is unlikely to receive authorization to resolve the case unless
17 and until the motion to dismiss is resolved.

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1 4. Accordingly, the parties respectfully request that the Court stay discovery in this
2 matter and reschedule the ENE session until after the Court's ruling on the Motion to
3 Dismiss. Should the motion to dismiss be denied in whole or in part, the parties will provide
4 the Court with five potential dates when the ENE may be rescheduled within 30 days from
5 the date of the Court's ruling on the motion to dismiss.

6 Respectfully submitted this 27th day of December 2023.

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8 MULLINS & TRENCHAK,
ATTORNEYS AT LAW

9 /s/ Philip J. Trenchak
10 PHILIP J. TRENCHAK, ESQ.
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12 *Attorney for Plaintiff*

JASON M. FRIERSON
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13 /s/ Virginia T. Tomova
14 VIRGINIA T. TOMOVA
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16 *Attorneys for the United States*

17 **IT IS SO ORDERED:**

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19 **UNITED STATES MAGISTRATE JUDGE**

20 **DATED:** December 28, 2023
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